

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

LANA VON SCHEELE

vs.

ENCOMPASS INSURANCE COMPANY  
AND CRAWFORD & COMPANY

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CIVIL ACTION NO. \_\_\_\_\_

**DEFENDANT ENCOMPASS INSURANCE COMPANY’S  
NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL**

**TO THE HONORABLE UNITED STATES DISTRICT COURT:**

Defendant Encompass Insurance Company (“Encompass”) files this Notice of Removal and Demand for Jury Trial of Cause No. 2020CI22303, styled *Lana Von Scheele v. Encompass Insurance Company and Crawford & Company*, currently pending in the 166th District Court, Bexar County, Texas. Encompass removes the case to the U.S. District Court for the Western District of Texas, San Antonio Division. As grounds for removal, Encompass states as follows:

**I.  
OVERVIEW**

1.1 This case involves a dispute over insurance benefits under a Homeowners policy of insurance issued by Encompass to Plaintiff for alleged water damage to her home on or about March 31, 2020. (See Plaintiff’s Petition, para. 12). Plaintiff commenced this action, styled *Lana Von Scheele v. Encompass Insurance Company and Crawford & Company*, currently pending in the 166th Judicial District Court, Bexar County, Texas, against Encompass by filing her Plaintiff’s Original Petition on November 16, 2020 under Cause Number 2020CI22303. In Plaintiff’s Original Petition, they seek to recover damages from the Defendants in excess of \$200,000.00 but

not over \$1,000,000.00. (*See* Plaintiff's Petition, para. 7) Encompass was served with Plaintiff's Original Petition on December 4, 2020. Therefore, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b). A true and correct copy of all process, pleadings, and the orders served upon Encompass in the state court action are being filed with this Notice as required by 28 U.S.C. § 1446(a), and are attached hereto as Exhibit "A".

## **II. DIVERSITY JURISDICTION**

2.1 The District Courts of the United States have original jurisdiction over this action based on complete diversity of citizenship between the parties as contemplated by 28 U.S.C. § 1332(a). The Plaintiff is now, and was at the time the lawsuit was filed, a resident and citizen of the State of Texas. (*See* Plaintiff's Petition, para. 2). Defendant Encompass is an Illinois Corporation with its principal place of business in Illinois. Additional Defendant in the case is Crawford & Company ("Crawford"), a foreign insurance company. (*See* Plaintiff's Petition, para. 5). Defendant Crawford is a Georgia Corporation with its principal place of business in Georgia. Crawford filed its answer on December 28, 2020. Accordingly, Encompass is a citizen of the State of Illinois and Crawford is a citizen of Georgia; therefore, complete diversity exists.

2.2 There being complete diversity between the Plaintiff and Defendants, this case is properly removed to the U.S. District Court for the Western District of Texas, San Antonio Division.

## **III. REMOVAL PROPER**

3.1 This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332(a)(1) as an action wholly between citizens of different states with the matter in controversy exceeding the sum or value of \$75,000.00, exclusive of interest and costs.

3.2 Under 28 U.S.C. § 1441(a), the removed action is proper in this Court as the district and division embracing the place where the state court action is pending.

3.3 Defendant Encompass, the removing party, conferred with counsel for Defendant Crawford regarding its consent to removal on December 28, 2020. Defendant Crawford consented to this removal.

3.4 Defendant Encompass, the removing party, will promptly give the parties written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d). Encompass will promptly file a copy of this Notice of Removal with the clerk of the 166th District Court, Bexar County, Texas, where the action is currently pending, also pursuant to 28 U.S.C. § 1446(d).

3.5 Defendant Encompass hereby demands a trial by jury.

#### **IV. EXHIBITS ACCOMPANYING REMOVAL**

4.1 In conjunction with filing this Notice of Removal, Defendant Encompass files the following documents as exhibits:

Exhibit “A” – Index/Documents filed in the 166th Judicial District Court, Bexar County, Texas

WHEREFORE, PREMISES CONSIDERED, Defendant Encompass Insurance Company, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. §1446, removes Cause No. 2020CI22303, styled *Lana Von Scheele v. Encompass Insurance Company and Crawford & Company*, currently pending in the 166th District Court, Bexar County, Texas to this Court on the 28<sup>th</sup> day of December 2020 for trial and determination.

Respectfully submitted,

**STACY | CONDER | ALLEN LLP**

/s/David G. Allen

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**ATTORNEYS FOR DEFENDANT  
ENCOMPASS INSURANCE COMPANY**

**CERTIFICATE OF CONFERENCE**

This is to certify that the undersigned conferred with counsel for Defendant Crawford & Company on December 28, 2020 regarding the removal of this case. Defendant Crawford & Company's counsel, Bradley Chambers, Baker Donelson, PC, advised that he consents to this removal.

/s/ Brian G. Saucier

Brian G. Saucier

**CERTIFICATE OF SERVICE**

On December 28, 2020 I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/David G. Allen

David G. Allen